

REMARKS

Claims 13-16 and 18-20 have been amended for clarification purposes only, based on the Examiner's suggestions in the Office Action. No new matter has been added. After entry of this Amendment, claims 6-10 and 13-21 will remain pending in the patent application, of which claims 6-10 are withdrawn from examination.

OBJECTIONS

Specifically, claims 14-17 and 20 were objected because the Examiner alleged that the recitation "a cylindrical recess" is not sufficiently clear as to whether it is another recess or the same recess as recited in claim 13. *See* Office Action at page 2. Applicant respectfully disagrees. Claim 14 defines the cylindrical recess as having a same centre line and same radius as the supporting surfaces, and being designed for arrangement of the fixed crosscutting tool inside the tool housing. The recess of claim 13, however, is constructed and arranged between curved supporting surfaces to provide space for movement of a striking piston therein.

However, to further prosecution only, Applicant has amended claim 13 – as suggested by the Examiner – to recite "a piston access recess" and claim 14 to recite "a cylindrical fixed tool recess." *See* Office Action at pages 8-9. Claims 15 and 16 were amended because of dependency. Claim 20 has also been amended to recite "a cylindrical fixed tool recess."

Thus, Applicant respectfully submits that the objections to claims 14-17 and 20 be withdrawn.

REJECTIONS UNDER 35 U.S.C. §112

Claim 19 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter. *See* Office Action page 3.

Applicant respectfully disagrees. Specifically, claim 19 depends from claim 18, which recites, "wherein, in the direction of impact, a material thickness of said solid base element measured from said supporting surface to an upper end surface of said base element is greater than a transverse material thickness of said base element" (emphasis added). That is, in the direction of impact, the material thickness is greater than the transverse material thickness. Similarly, claim 19 recites, "wherein an extent of said recess in a direction of impact is less than

said material thickness in a direction of impact." Thus, the material thickness of the solid base element is that which is in the direction of impact, i.e., not the transverse material thickness. Such recitation is also supported by the original specification. *See, e.g.*, original Specification at page 10, line 30-page 11, line 10.

However, to further prosecution only, Applicant has amended claims 18 and 19 – as suggested by the Examiner – to recite "a vertical material thickness."

As such, Applicant respectfully requests that the 35 U.S.C. §112, second paragraph rejection to claim 19 be withdrawn.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975 (Reference Number 522208-0000024). The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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